IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 185 of 2005

Between:

1 Smt. Sajja Suvarna Kumari, W/o. Sajja Rama Dass,

aged about 65 years, Occ: House wife,
R/o. 57-9-12, New Postal Colony, Patamata, Vijayawada,

Krishna District.
2 Sri Sajja Rama Dass, S/o. Krishnaiah, aged about 75 years,
R/o. 57-9-12, New Postal Colony, Patamata, Vijayawada,

Krishna District.

..... PETITIONERS

AND

1 Government of Andhra Pradesh, Rep. by its Principal Secretary,
Municipal Administration & Urban Development Department

Secretariat, Hyderabad.
2 The Vijayawada Municipal Corporation, Vijayawada,

Rep. by its Commissioner.
3 Smt. V. Usha Rani, Commissioner, Vijayawada Municipal Corporation,

Vijayawada.
4 Smt. Padmavathi, Building Inspector, Ward No.44,Vijayawada

Municipal Corporation, Vijayawada.
5 M/s. Vaishnavi Constructions H.No. 57-9-11, New Postal Colony,
Patamata, Vijayawada, Krishna District, Rep. by its Proprietor

Sri Bode Prasad.

` **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not considering and taking any appropriate action in pursuance of the complaints/representations dt. 30-12-2004 and 21-12-2004 submitted to the respondents 1 and 2, as arbitrary, illegal, unfair, unjust and violtive of Articles 14 and 21 of the Constitution of India and consequently direct the respondents to stop the construction in the premises bearing Municipal No. 57-9-11 made by the 5th Respondent contrary to the provisions of the Municipal Corporation Act as well as Rules and Regulations made there under, in the interest of justice and pass such other order or orders.

Counsel for the Petitioner: MR.P.KESAVA RAO

Counsel for the Respondent Nos.1 and 5: GP FOR MUNCIPAL ADMN. & URBAN DEV.

Counsel for the Respondent Nos.2 to 4: MR T.S.VENKATARAMANA

The Court made the following:

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

ORDER:

-

The petitioners seek a writ of mandamus, declaring the inaction of the respondents 1 and 2 in considering complaints/representations dated 30.12.2004 and 21.12.2004 and taking appropriate action thereon, as illegal and arbitrary.

The petitioners contend that they are the absolute owners of house bearing No.57-9-12. The 5th respondent started construction of a multistoried building in the premises bearing No.57-9-11 in violation of building rules and thereby causing nuisance by projecting balconies in the land of petitioners. The petitioners made representations to the respondents 1 and 2 in this regard on 30.12.2004 and 21.12.2004, but so far no action has been taken. Hence the writ petition.

Heard the learned counsel for the petitioners and the learned counsel appearing for the respondents, and with their consent, the writ petition itself is disposed of at the stage of admission.

Since the representations of the petitioners dated 30.12.2004 and 21.12.2004 are pending consideration before the respondents 1 and 2, without going into the merits of the matter, I deem it appropriate to dispose of the writ petition with a direction to the respondents 1 and 2 to consider the same and take appropriate steps thereon in accordance with law, as expeditiously as possible, preferably within a period of two weeks from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of at the stage of admission. No costs.

Dated: 18.01.2005

dsr/nsr

ASSISTANT REGISTRAR

To:

1. The Principal Secretary,

Government of Andhra Pradesh,

Municipal Administration & Urban

Development Department, Secretariat,

Hyderabad

2. The Commissioner,

The Vijayawada Municipal Corporation,

Vijayawada

3. Two CCs to the Government Pleader for

Municipal Administration and Urban Development,

High Court Buildings, Hyderabad (OUT)

4. Two CD copies